

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UPSTART GROUP LCC,

Plaintiff,

v.

THE UPSTART GROUP
INCORPORATED,

Defendant.

CASE NO. 2:19-cv-01290-RAJ-BAT

**ORDER REGARDING UPDATED
JOINT STATUS REPORT**

On September 30, 2021, the stay ordered by this Court in this matter on April 22, 2020 was lifted. Dkt. 49. On October 21, 2021, Defendant filed its Answer to Plaintiff's Amended Complaint. Dkt. 50. Prior to the stay, the parties submitted a Joint Status Report and Discovery Plan pursuant to Fed. R. Civ. P. 26(f) and the Court's November 7, 2019 Order (Dkt. 25). Dkt. 36.

Now that proceedings in this action are resumed, the parties are directed to confer and provide the Court with a combined Updated Joint Status Report and Discovery Plan (the "Updated Report") by **November 8, 2021**. This conference shall be a face-to-face meeting or a telephonic conference. The Court will use the Updated Report to determine if a Fed. R. Civ. P. 16 conference would be helpful and to set a schedule for the prompt completion of the case.

1 Contents of Updated Report: The report must contain the following information by
2 corresponding paragraph numbers:

- 3 1. A statement of the nature and complexity of the case.
4 2. A proposed deadline for joining additional parties.
5 3. A discovery plan that states, by corresponding paragraph letters (A, B, etc.), the
6 parties' proposals on all items set forth in Fed. R. Civ. P. 26(f)(3), including the following topics:

- 7 (A) initial disclosures;
8 (B) subjects, timing, and potential phasing of discovery;
9 (C) electronically stored information;
10 (D) privilege issues;
11 (E) proposed limitations on discovery; and
12 (F) the need for any discovery related orders.

- 13 4. The parties' views, proposals, and agreements, by corresponding paragraph letters
14 (A, B, etc.), on all items set forth in Local Civil Rule 26(f)(1), which includes the following
15 topics:

- 16 (A) prompt case resolution;
17 (B) alternative dispute resolution;
18 (C) related cases;
19 (D) discovery management;
20 (E) anticipated discovery sought;
21 (F) phasing motions;
22 (G) preservation of discoverable information;
23 (H) privilege issues;

1 (I) Model Protocol for Discovery of ESI; and

2 (J) alternatives to Model Protocol.

3 5. The date by which discovery can be completed.

4 6. Whether the case should be bifurcated by trying the liability issues before the
5 damages issues or bifurcated in any other way.

6 7. Whether the pretrial statements and pretrial order called for by Local Civil Rules
7 16(e), (h), (i), and (k), and 16.1 should be dispensed with in whole or in part for the sake of
8 economy.

9 8. Whether the parties intend to utilize the Individualized Trial Program set forth in
10 Local Civil Rule 39.2 or any ADR options set forth in Local Civil Rule 39.1.

11 9. Any other suggestions for shortening or simplifying the case.

12 10. The date the case will be ready for trial. The Court expects that most civil cases
13 will be ready for trial within a year after filing the Joint Status Report and Discovery Plan.

14 11. Whether the trial will be jury or non-jury.

15 12. The number of trial days required.

16 13. The names, addresses, and telephone numbers of all trial counsel.

17 14. The dates on which trial counsel may have complications to be considered in
18 setting a trial date.

19 15. Whether any party wishes a scheduling conference before the Court enters a
20 scheduling order in the case.

21 16. List the date(s) that each and every nongovernmental corporate party filed its
22 disclosure statement pursuant to Fed. R. Civ. P. 7.1 and Local Civil Rule 7.1.

1 If the parties are unable to agree on any part of the Updated Report, they may answer in
2 separate paragraphs. No separate reports are to be filed. If the parties wish to have a status
3 conference with the Court at any time during the pendency of this action, they should notify
4 Andy Quach, Courtroom Deputy, at andy_quach@wawd.uscourts.gov.

5 Plaintiff's Responsibility: Plaintiff's counsel is responsible for starting the
6 communications with defendant's counsel needed to comply with this Order.

7 Judge Specific Procedural Information: All counsel and unrepresented parties should
8 review Judge Tsuchida's web page for procedural information applicable to cases before Judge
9 Tsuchida. The judge's web pages, in addition to the Local Rules, Electronic Filing Procedures
10 for Civil and Criminal Cases, court forms, instruction sheets, and General Orders, can be found
11 on the Court's website at wawd.uscourts.gov.

12 Early Settlement and Notification: If settlement is achieved, counsel shall immediately
13 notify Andy Quach, Courtroom Deputy, at andy_quach@wawd.uscourts.gov.

14 The parties are responsible for complying with the terms of this Order. The Court may
15 impose sanctions on any party who fails to comply fully with this Order.

16 DATED this 22nd day of October, 2021.

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19 BRIAN A. TSUCHIDA
20 United States Magistrate Judge
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